

On February 17, 1927, George Stehr, Waunakee, Wis., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled by striking out the words "Protein 16%," appearing on the label.

W. M. JARDINE, *Secretary of Agriculture.*

15209. Misbranding of horse and mule feed. U. S. v. 100 Sacks, et al., of Horse and Mule Feed. .Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 21339, 21343. I. S. Nos. 6543-x, 6547-x. S. No. E-5882.)

On October 21, and October 28, 1926, respectively, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 172 sacks of horse and mule feed, remaining in the original unbroken packages at Gastonia, N. C., alleging that the article had been shipped by the Nixon Grain & Elevator Co., from Augusta, Ga., on or about September 20, 1926, and transported from the State of Georgia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Horse and Mule Feed Nixon Grain & Elevator Co. Augusta, Ga. Guaranteed Analysis Protein 10%—Fat 2%." The remainder of the said article was labeled in part: "Dakota Horse and Mule Feed * * * Manufactured by Nixon Grain & Elevator Co., Augusta, Ga. Guaranteed Analysis Protein 10%."

It was alleged in the libels that the article was misbranded, in that the statements, "Guaranteed Analysis Protein 10%—Fat 2%," with respect to a portion of the product, and "Guaranteed Analysis Protein 10%," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser.

On January 6, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold, without guaranty or brand, by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15210. Adulteration of apple chops. U. S. v. 200 Sacks of Apple Chops. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21295. I. S. No. 1858-x. S. No. C-5238.)

On September 17, 1926, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of apple chops, at Orrville, Ohio, alleging that the article had been shipped by the John H. Leslie Co., Chicago, Ill., on or about July 22, 1926, and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that an analysis of a sample of the article showed the presence of arsenic, and that it was adulterated, in that it contained an added poisonous ingredient which might have rendered it injurious to health.

On October 1, 1926, the J. M. Smucker Co., Orrville, Ohio, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned in compliance with the requirements of the Federal food and drugs act.

W. M. JARDINE, *Secretary of Agriculture.*

15211. Misbranding of assorted jellies. U. S. v. 51 Cases of Assorted Jellies. Decree of condemnation and forfeiture entered. Product ordered released under bond. (F. & D. No. 21792. I. S. Nos. 4787-x, 4788-x, 4789-x, 4790-x. S. No. C-5421.)

On April 4, 1927, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 51 cases of assorted jellies, at Tulsa, Okla., alleging that the

articles had been shipped by the Best-Clymer Co., St. Louis, Mo., on or about July 24, 1926, and transported from the State of Missouri into the State of Oklahoma, and charging violation of the food and drugs act. The articles were labeled in part: (jars) "Temtor Brand Pure Apple (or other fruit) Jelly * * * The Best-Clymer Company, St. Louis, Mo."

It was alleged in substance in the label that the articles violated subsection 2, with reference to food, of section 7 of said act, in that they were labeled "Pure Jelly," when, in truth and in fact, pectin and tartaric acid had been substituted wholly or in part for the said articles.

On June 2, 1927, the Best-Clymer Co. having appeared as claimant for the property, and having admitted that the products were misbranded, and having paid the costs of the proceedings, a decree was entered ordering that the products be released to the said claimant upon the execution of a bond in the sum of \$500, conditioned in part that the jellies not be sold or otherwise disposed of contrary to the Federal food and drugs act.

W. M. JARDINE, *Secretary of Agriculture.*

15212. Adulteration and misbranding of cottonseed meal. U. S. v. 175 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21528. I. S. No. 13534-x. S. No. E-5933.)

On January 13, 1927, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 175 sacks of cottonseed meal, remaining in the original unbroken packages at Penrose, N. C., alleging that the article had been shipped by the Grenco Oil Co., from Greenwood, S. C., on or about October 29, 1926, and transported from the State of South Carolina into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Grenco 36% Protein Cotton Seed Meal, Prime Quality Manufactured by Grenco Oil Company, Greenwood, S. C. Guaranteed Analysis: Protein 36.00 per cent, * * * Crude Fibre 14.00 per cent."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing excessive fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Prime Quality 36% Protein Cotton Seed Meal Guaranteed Analysis Protein 36.00 per cent * * * Crude Fibre 14.00 per cent," borne on the label, were false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

During the month of February, 1927, the Grenco Oil Co., Greenwood, S. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, and it was further ordered that the product be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15213. Misbranding of ham. U. S. v. Peyton Packing Co. Plea of guilty. Fine, \$25. (F. & D. No. 17529. I. S. No. 7967-v.)

On September 20, 1923, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Peyton Packing Co., a corporation, El Paso, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 23, 1922, from the State of Texas into the State of Arizona, of a quantity of hams, which were misbranded. The article was labeled in part: "Circle Star Brand * * * Ham. Peyton Packing Company, El Paso, Texas," (rubber stamped) "Net Weight When Wrapped ---- Lbs. ---- Ozs."

It was alleged in the information that the article was misbranded, in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 14, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*